IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5304 of 1998

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

LATE SAMATBHAI MERAMBHAI BABARIA EDUCATION & CHARITABLE TRUST

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 5304 of 1998

MR HC BUCH for NANAVATY ADVOCATES for the Petitioner

MR SIRAJ GORI, AGP for Respondents Nos. 1-3

MR HEMANG RAVAL for MR AD OZA for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 05/03/2003

ORAL JUDGEMENT

1. The petitioner before this Court is a public

charitable trust. The petitioner had applied to the Gujarat Secondary Education Board, respondent No.2 herein (hereinafter referred to as "the Board") for recognition of a secondary school to be established at village Monvel, Taluka Dhari, Dist. Amreli. Such recognition was granted in the year 1992. On 30th September, 1996, the Board gave notice to the petitioner - Trust to show cause why, for the reasons recorded therein, the recognition granted to the petitioner - Trust for the secondary school should not be cancelled. Pursuant to the said show cause notice, under order dated 20th February, 1998, the recognition granted to the said secondary school was cancelled. The said decision was confirmed by the State Government under its order dated 16th May, 1998 in the appeal preferred by the petitioner - Trust. Feeling aggrieved, the petitioner has preferred the present petition.

2. Learned advocate Mr.Buch admits that since the cancellation of the recognition on 20th February, 1998 no stay was operating in favour of the petitioner - Trust and the school has been closed since then.

3. In above view of the matter, no recognition can be granted to the petitioner - Trust for secondary school in retrospect. If at all such recognition is required to be granted afresh, the same shall be examined only in context of the prevailing conditions.

4. I am, therefore, of the view that the ends of justice shall be met if the petitioner makes an application for recognition afresh. If such an application is made, the same shall be considered keeping in view the prevalent conditions and the rules.

5. In the circumstances, it is directed that the petitioner may make an application for recognition of the secondary school at village Monvel. If such application is made on or before 25th March, 2003, the same shall be considered for recognition of the school for the academic year commencing from June, 2003 and be decided without being prejudiced by the cancellation of the previous recognition granted to the petitioner - Trust. The decision shall be taken on or before 15th May, 2003 and shall be communicated to the petitioner forthwith.

6. Subject to the above directions, the petition is disposed of. Rule is discharged. There shall be no order as to costs.

(Ms. R.M. Doshit, J.)

zgs/-